

REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

4. Claims 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Jokinen et al. (US 2002/0095333). Regarding claim 14, Jokinen teaches a method comprising:

maintaining in a wireless device a list of real-world services that are available from a user of the device through an application running on the device, see [0036], [0040], and [0047]; and through a wireless communication channel, broadcasting information from the device indicative of the available real-world services, see [0040], 0054].

The applicant respectfully disagrees. Claim 14, as amended, makes clear that what the real world services are available from is an application running on the handheld wireless device. In claim 14, information about the real-world services available from an application running on the device is broadcast from the device through a wireless communication channel.

The cited passages of Jokinen describe how a hand held device would receive advertisements and coupons, but they neither disclose nor would have made obvious that the device would (in the words of the applicant's claim 14) "broadcast information ... indicative of the ...real-world services" available from an application running on the device.

Regarding claim 15, Jokinen also teaches that the information is broadcast periodically, see [00481].

Regarding claim 16, Jokinen also teaches that another wireless device that receives the broadcast information accesses one of the available real-world services, see figure 10 and [0055].

Regarding claim 17, the apparatus claim is interpreted and rejected for the same reason as set forth in the method claim 14.

Claims 15 through 17 are patentable for at least the same reasons as claim 14.

5. Claims 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Irvin (US 6,658264).

Regarding claim 23, Irvin teaches a method comprising: maintaining a list of short-range wireless devices within range of a first short- range wireless

device (col. 8, 59-64); transmitting a message from an identified user of the first device to a second identified user of a second wireless device over a communication medium (col. 8,64- 66), the communication medium being selected based at least in part on whether the second device is included on the list, the selection being transparent to the user of the first device (col. 8,66 through col. 9, 4).

The applicant respectfully disagrees.

In the applicant's claim 23, the list that is maintained is "a list of short-range wireless devices within range of a first short-range wireless device". The list is used, for example, to select the communication medium for transmitting a message to an identified user of the second wireless device.

By contrast, in the cited passages of the Irvin reference, what the cellular telephone maintains is a "double entry phonebook" that associates a walkie-talkie number with certain cellular telephone numbers. When a call is dialed to a cellular number that has an associated walkie-talkie number, the walkie-talkie number is tried first. But the cited passages in Irvin neither describe nor would have made obvious the maintenance of a list "of short-range wireless devices within range". Irwin's list appears to be maintained without regard to which other devices are or are not within range. In Irwin, the cellular telephone tries the walkie-talkie number without knowing whether the target device is available or not.

Regarding claim 24, Irvin also teaches that if the second device is included on the list, the message is transmitted to the second device over a short-range radio link, and if the second device is not included on the list, the message is transmitted to the second device using another communication medium (col. 8,64 through col. 9,4).

Regarding claim 25, Irvin also teaches that if the second device is not included on the list, the message is transmitted to the second device over either the Internet or by mobile telephony (col. 8,64 through col. 9, 4).

Claims 24 and 25 are patentable for at least the same reasons as claim 23.

All of the dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Applicant : Eleazar Eskin
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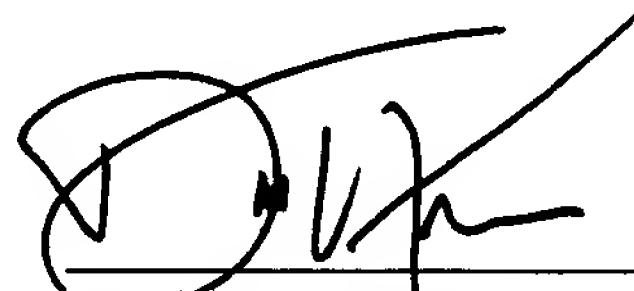
Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

Enclosed is a \$510 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, reference 12206-002001.

Date: 7/5/5

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Respectfully submitted,



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